

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

BERNICE RUTLAND

PLAINTIFF

VS.

CAUSE NO: 3:21cv234-MPM-JMV

CAESARS HOLDINGS, INC., d/b/a
HORSESHOE CASINO, TUNICA;
DESERT MEDICAL EQUIPMENT, d/b/a
DESERT MEDICAL EQUIPMENT, INC.
and JANE DOE

DEFENDANTS

NOTICE OF REMOVAL

COMES NOW, the defendant, Caesars Holdings, Inc. d/b/a Horseshoe Casino, Tunica, and respectfully files this Notice of Removal to the United States District Court for the Northern District of Mississippi, Oxford Division, as follows:

I.

This civil action was originally filed in the Circuit Court of Tunica County, Mississippi on October 14, 2021, and proceeded in that Court under cause number 2021-0111. A copy of the Complaint is attached to this Notice as Exhibit "A."

II.

Pursuant to 28 U.S.C. § 1446(b), Defendant files this Notice of Removal within thirty (30) days of service of the Complaint upon it. This case is removed less than one year after commencement of the State Court action, in compliance with 28 U.S.C. § 1446(c).

PARTIES

III.

Upon information and belief, Plaintiff, Bernice Rutland, is an adult resident citizen of

Lula, Coahoma County, Mississippi. Exh. “A” at ¶ 3. Thus, for purposes of diversity jurisdiction, Plaintiff is a citizen of the State of Mississippi.

IV.

Caesars Holdings, Inc. d/b/a Horseshoe Casino, Tunica is a corporation organized and existing pursuant to the laws of the State of Delaware. (Exhibit “B”).

V.

Desert Medical Equipment d/b/a Desert Medical Equipment, Inc. is a corporation organized and existing pursuant to the laws of the State of Nevada. (Exhibit “C”).

DIVERSITY OF CITIZENSHIP

VI.

This Court has subject matter jurisdiction over this controversy pursuant to 28 U.S.C. § 1332. The first prong of the jurisdictional statute is met as there is complete diversity of citizenship between Plaintiff, whose citizenship for diversity purposes is Mississippi, and defendants, Caesars Holdings, Inc. d/b/a Horseshoe Casino, Tunica and Desert Medical Equipment d/b/a Desert Medical Equipment, Inc., whose citizenship for diversity purposes is a state other than Mississippi.

AMOUNT IN CONTROVERSY

VII.

The second prong of 28 U.S.C. § 1332 is also met as the amount in controversy plainly exceeds \$75,000, exclusive of interest and costs. In support, defendant would show that Plaintiff’s Complaint alleges that she sustained “past and future pain and suffering,” “past and future mental anguish,” and “scars, disfigurement, and other visible results of her injuries” as a

result of the fall in question. Exh. “A” at ¶ 17.

Given the nature and extent of the allegations made against the defendant, it is clear Plaintiff’s claims for unspecified damages exceed the \$75,000 jurisdictional limit of this Court.

CONCLUSION

VIII.

This action is now removable pursuant to 28 U.S.C. §1441(a) and §1446(b), as amended, and written notice of the filing of this Notice of Removal and copies of all process, pleadings, and orders will be served upon Plaintiff’s counsel as required by law. Furthermore, pursuant to the requirements of 28 U.S.C. § 1446(d), a Notice of Filing, attaching a copy of this Notice as an exhibit thereto, will be filed with the Circuit Clerk of Tunica County, Mississippi.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully submits this Notice of Removal from the Circuit Court of Tunica County, Mississippi, to the United States District Court for the Northern District of Mississippi, Oxford Division. Defendant further requests any additional relief to which it may be entitled.

DATED: November 9, 2021.

RESPECTFULLY SUBMITTED,

CAESARS HOLDINGS, INC. d/b/a
HORSESHOE CASINO TUNICA

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BY: /s/ Goodloe T. Lewis
GOODLOE T. LEWIS, MSB # 9889

CERTIFICATE OF SERVICE

I, GOODLOE T. LEWIS, do hereby certify that I have on this date electronically filed the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record, including:

James F. Valley
J.F. Valley, Esq., P.A.
P.O. Box 451
Helena-West Helena, AR 72342
james@jamesfvalley.com

DATED: November 9, 2021.

/s/ Goodloe T. Lewis
GOODLOE T. LEWIS